

M'INTYRE REPLIES IN MINING CASE

Conflicting Statements Made by
Brothers-in-Law Regarding
Ajax Mining Stock.

In the action brought by J. T. Donahue against his brother-in-law, Samuel McIntyre, in which 20,000 shares of stock in the Ajax Mining company is involved, the defendant yesterday filed an answer in the District court denying he used fraud or misrepresentation in securing any kind of a settlement from the plaintiff.

The complaint which was filed last November alleged that McIntyre had induced the plaintiff, his brother-in-law, to turn over 20,000 shares of stock to aid him in controlling the policy of the Ajax Mining company, of which McIntyre was to be the general manager. In consideration of the transfer, it is alleged, an agreement was entered into whereby the defendant agreed to carry the stock without cost to the plaintiff.

It is further alleged that in March, 1898, the defendant sold 10,000 shares of stock to the plaintiff, which it is believed he secured \$10,500. In November of that year, the plaintiff avers, that McIntyre with the express purpose of inducing him to execute a receipt in full for the stock and with intent to defraud the plaintiff, represented that he still held the stock, that it had cost him considerable money to carry it and that it had no real value owing to the decision that existed in the directory of the company. Donahue claimed that the defendant induced him to accept sufficient stock at 66 cents per share to equal \$10,500 as a full and fair settlement, and told him to immediately sell the stock, as it had no real value.

He asked that the court rescind the receipt given, that an accounting be had and that the plaintiff be given judgment for what should be found due him.

In his answer McIntyre denies that his brother-in-law was the owner of stock to the extent of 10,000 shares in the Ajax company or that he represented to the plaintiff that if he would transfer any stock to him it would aid him in controlling the policy of the company. McIntyre further denies that the plaintiff relied upon any representations made by him in regard to his relationship, or that any of the representations made were false or untrue in the plaintiff's receipting in full for all claims.

The defendant also holds that the plaintiff's cause of action is barred by the provisions of the civil procedure of the State, and asks that the complaint be dismissed for want of equity and that he secure judgment for costs.

BRUCE JOHNSON USED A DEADLY WEAPON

Bruce Johnson, colored, entered a plea of guilty to the charge of unlawfully using a deadly weapon, in the District court yesterday and was sentenced to pay a fine of \$150 by Judge Morse. He was given the alternative of serving 150 days in the county jail, but he raised the money and was discharged.

Johnson was charged with having used a gun in a fight with a white man named P. J. Burns in the Red Onion saloon on January 19th. He was bound over to the District court on the charge of assault with a deadly weapon with intent to do bodily harm. District Attorney Eichman, however, reduced the charge to unlawfully using a deadly weapon and a plea of guilty was entered by the defendant.

Upon motion of the defendant's attorney, F. C. McWhorter, Mr. Eichman offering no objection, the above fine was imposed in lieu of committing the defendant to jail.

BROWN CASE AGAIN NEXT TUESDAY MORNING

The case of the State vs. Arthur Brown, charged with the crime of adultery, alleged to have been committed with Mrs. Anna M. Bradley, was set by Judge Morse yesterday for Tuesday morning. At that time the defendant will be required to enter his plea to the informations against him if he cannot secure a postponement, for which, in the light of his former actions, he will make a hard fight. The case has been dragging in the District court for many months. The defendant secured continuances from time to time on one pretext or another and finally appealed to the Supreme court for a writ of prohibition. The petition was denied and there is no reason why the case should not be brought to trial at once. Mrs. Bradley has already pleaded guilty to the offenses charged against Brown.

WADDELL, THE CONVICT, SAYS "NOT GUILTY"

Henry Waddell, the convict, pleaded not guilty to the three informations against him when arraigned in the District court yesterday morning, and his against him yesterday in the District March 14th. The informations against Waddell charge him with escape from the State prison, grand larceny and with assault with a deadly weapon with intent to do bodily harm. The court will appoint an attorney to defend the convict.

Waddell is one of the convicts who led the prison break at the penitentiary on October 9, 1903. He assaulted Guard F. C. Naylor at the time with a revolver and stole a gold watch from Guard Zebulon Jacobs. He was managed to get over the wall, but was captured before getting away. The prisoner is now serving a ten-year term for burglary and assault with a deadly weapon. The convict was brought into court, securely handcuffed, by Acting Warden Wright and Guard Ure. District Attorney Eichman has not determined when he will arraign the other prisoners implicated in the jail break.

ODELL DOES NOT WANT TO HEAD COMMITTEE

NEW YORK, March 5.—Stating that he was suffering from fever, cold and sore throat, Gov. B. D. Odell today abandoned his proposed trip to Washington to consult with President Roosevelt, and returned to Albany, at the same time positively putting himself out of line for the chairmanship of the National Republican committee.

"Nothing has been settled yet," the Governor said as to his acceptance of the State chairmanship, and this matter is still under consideration. In mentioning the permanent abandonment for the present of the Washington trip, Gov. Odell also made an emphatic declaration on the subject of his leadership in this State, stating that "there is nothing in the affairs of the party in this State that I cannot settle myself without assistance if I wish, and the President isn't apt to call on me to settle the affairs of the Nation. I shall not go to Washington for some time, as I have several engagements up to the State and there is nothing I wish to see the President about that is urgent or that will not wait."

"Will you accept the National chairmanship?" he was asked.

"No, I never had any such idea," he replied. "It is not the kind of work I am looking for and I would not accept it if it were offered to me on a silver platter."

He also refused to accept the chairmanship of the National Republican committee.

The decision is another marked success for Dreyfus, although it is not yet final, owing to the extended supplementary investigation which must follow the court's decision.

The decision was given at the close of the third day's hearing. Comparatively little public interest has been taken in the sessions of the court and the courtroom was almost deserted, there being only a few persons present at the final session. Among those were Maitre Labori, the famous lawyer, who defended Dreyfus at Rennes.

Most of the day was given to the address of Maitre Morand, one of Dreyfus's counsel. He argued that the charge made against Dreyfus is a tissue of invention. He closed with an eloquent appeal, saying that the honor of the army and its officers demanded the removal of the stain of this unjust conviction.

An incident occurred during M. Morand's address. Counsel referred to Dreyfus's great qualities of heart and exalted character, and turned towards M. Labori as if making a personal appeal to have his statements confirmed. Thereupon M. Labori arose and left the courtroom causing some commotion.

M. Labori was quoted as saying in the corridor that he did not wish by his presence to confirm the eulogy proposed by his former client's heart and character.

Following M. Morand's address the court retired, remaining closed for an hour, and then returned and gave out the decision sustaining the appeal for a revision of the trial.

The following calendar will be called in the Federal courtroom Monday, March 7, 1904, at 10 o'clock:

United States vs. Jesse Knight.
George Gutch vs. Union Pacific Coal company.
Evans, Snider-Buel company vs. Associated Wood-Growers company.

Provo City vs. Tealville & T. Co.
Tealville Ranch company vs. Utah Sugar company.
Clement, administratrix, vs. De La Mar, Stevens vs. McChrystal.

Farnsworth vs. Union Pacific Coal company.
Tealville Ranch company vs. Central Pacific Railway company.
Fairbanks vs. Colton Wax Union and Oil company.

Parke vs. Ajax Mining company.
Gibson vs. Union Pacific Coal company.
In re Matson, bankrupt; Wood Grocery and Provision company, obj. cred.

In re Black, bankrupt; Salt Lake Saddlery company, obj. cred.
In re Klenke, bankrupt; Miller et al., obj. cred.

In re C. L. Probasco.
In re W. H. Sherman, bankrupt.
In re William Connell, bankrupt.

In re Frank M. Cook, bankrupt.
In re Fope & Anderson, bankrupt.
In re C. E. Huddleston, bankrupt.

In re Walter C. Squires, bankrupt.
Mammoth Mining company vs. American Smelting and Refining company, to recover \$58,157.26 and interest on account due for certain shipments of copper and lead ore, being difference on agreed price upon certain shipments.

polygamist exposure had come out before the Methodist society decided to hold their next general conference at "Prisco." It would probably have been convened in Salt Lake City, and then there would have been music. Salt Lake would be only too happy to entertain a general conference of the Methodist church, but not during a time so acute as this.

The little circus that has been on at the city and county building for several weeks has become overshadowed by a matter of some local importance. The question most of us have been wrestling with the past few days is whether or not we are all likely to be called "polygs." If we are there is going to be a row.

The Commercial club is reported to have resolved on aggressive steps toward the extension of sidewalk improvements. The club has undoubtedly heard of some of the latest drawings in the Eastern part of the city.

According to the church organ, Apostle Heber J. Grant is in Europe to look after some of the business of the church. It is reported to have had pressing personal interests in the other world also. At least an officer with a warrant wanted him a few hours before he left on a charge of polygamist exposure, but the apostle caught a fast tipped off to him in time to catch a passing train. But Mr. Grant doubtless would disclaim it.

President Smith said to the number of polygamists he knows of every time he goes on the stand. The figures are already alarming. First, he will reach out and get the whole town in the net.

To a man up a tree it would look as though the morals of the town had been given a bridle cast.

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President Smith has been reported in the newspapers as having "scored Congress" in such things as this, however, in that it gets the last score.

Even in our deepest affliction there are some things to be thankful for. If this

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After the assault Emerson walked without assistance to the hospital, a distance of five blocks, and was put under the influence of ether as soon as the wound had been examined.

The cut made in the heart was a large one and required six stitches. The pleura was opened and a gathering of blood removed. After the wound had been dressed Emerson was extremely weak but is rallying slowly and the surgeons believe he will recover.

MAN DEAD, WOMAN
FATALLY SHOT

NEW YORK, March 5.—Carl Muhl-
bachers, a manufacturer of enameled
letters, was found dead with a bullet
through his head early today in an
apartment at 345 East 85th street. In
the same room lay Lena Fassech. She
also had been shot in the head, but
was still alive. Muhlbacher was about
45 years old and said to be a man of
some means. The woman was about 35
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She was unconscious when taken to a
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RUSSELL BOLES GUILTY
OF FRIDBORN MURDER

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murder of 12-year-old Harold Fridborn
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The jury recommended a sentence of
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I was told of a citizen who once got hooked in a faro game, and in the customary endeavor to extricate himself he went to a pawnbroker and soaked his watch. But since it would be necessary to explain to his friends that his ticker was out of repair and had been left at the watchmaker's, he asked the manager of the three-shall shop to let him take a cheap watch until he could redeem his own. He was thereupon given a dollar watch and resumed the game. Of course he lost, since it is the exception and not the rule to win, and while on his way home that night with a heavy load and an empty purse he was held up by a footpad—this by a footpad—who relieved him of the watch. Next day the footpad was captured and the citizen called into court to testify against him. The witness got two-fifty and his watch back and the footpad got ten years. As the citizen poked the witness free down in his trousers he remarked to a friend that he was the only one who had made any money out of that hold-up, and he proceeded to the pawnbroker's and lifted his ticker.

Salt Lake City has the reputation of being a great card-playing town. It is no small shakes on a whole lot of other things that the real shakedown is the game, for example. But according to reports only the old fellows can play at that.

Irrigation experts are said to be on their way from Washington to take up the irrigation plans in desert lands. It is sincerely hoped they will not be induced to return under the impression that the Mormon location has become so acute that the people will not give them a fair reception.

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DREYFUS GRANTED A NEW TRIAL

Court of Cassation Orders a Rehear-
ing in the Famous French
Army Case.

PARIS, March 5.—The criminal branch of the Court of Cassation today granted the appeal of Alfred Dreyfus for a revision of his trial at Rennes.

The court held that a sufficient showing had been made to warrant a reopening of the case and ordered a supplementary investigation for the purpose of establishing all the doubtful points which have been the basis for the present application to reopen the case.

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ARE YOUR KIDNEYS WEAK?

Thousands of Men and Women Have Kidney Trouble
and Never Suspect It.

To Prove What the Great Kidney Remedy, Swamp-
Root Will Do for YOU, Every Reader of The
Tribune May Have a Sample Bottle Sent Absolu-
tely Free by Mail.

It used to be considered that only urinary and bladder troubles were to be traced to the kidneys, but now modern science proves that nearly all diseases have their beginning in the disorder of these most important organs.

The kidneys filter and purify the blood—that is their work.

Therefore, when your kidneys are weak or out of order, you can understand how quickly your entire body is affected, and how every organ seems to fall to do its duty.

If you are sick or "feel badly," begin taking the great kidney remedy, Dr. Kilmer's Swamp-Root, because as soon as your kidneys begin to get better they will help all the other organs to health. A trial will convince anyone.

I cheerfully recommend and endorse the great Remedy, Dr. Kilmer's Swamp-Root, for kidney trouble and bad liver. I have used it and derived great benefit from it. I believe it has cured me entirely of kidney and liver trouble, from which I suffered terribly.

Most gratefully yours,
A. R. Reynolds, Chief of Police,
Columbus, Ga.

Weak and unhealthy kidneys are responsible for many kinds of diseases, and if permitted to continue much suffering and fatal results are sure to follow. Kidney trouble irritates the nerves, makes you dizzy, restless, sleepless and irritable. Makes you pass water often during the day and obliges you to get up many times during the night. Unhealthy kidneys cause rheumatism, gravel, catarrh of the bladder, pain or dull ache in the back, joints and muscles; make your head ache and back ache, cause indigestion, stomach and liver trouble, you get a yellow, low complexion, make you feel as though you had heart trouble; you may have plenty of ambition, but no strength, get weak and waste away.

The cure for these troubles is Dr. Kilmer's Swamp-Root, the world-famous kidney remedy. In taking Swamp-Root you afford natural help to Nature, for Swamp-Root is the most perfect healer and gentle aid to the kidneys that is known to medical science.

How to Find Out
If there is any doubt in your mind as to your condition, take from your urine on rising about four ounces, place it in a glass or bottle and let it stand twenty-four hours. If on examination it is milky or cloudy, if there is a brick-dust settling, or if small particles float about in it, your kidneys are in need of immediate attention.

Swamp-Root is pleasant to take and is used in the leading hospitals, recommended by physicians in their private practice, and is taken by doctors themselves who have kidney ailments, because they recognize in it the greatest and most successful remedy for kidney, liver and bladder troubles.

EDITORIAL NOTE.—So successful is Swamp-Root in promptly curing even the most distressing cases of kidney, liver or bladder troubles, that to prove its wonderful merits you may have a sample bottle and a book of valuable information, both sent absolutely free by mail. The book contains many of the thousands upon thousands of testimonial letters received from men and women cured. The value and success of Swamp-Root is so well known that our readers are advised to send for a sample bottle. In sending your address to Dr. Kilmer & Co., Binghamton, N. Y., be sure to say you read this generous offer in The Salt Lake Sunday Tribune. The proprietors of this paper guarantee the genu